

VIA ELECTRONIC MAIL

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Food and Nutrition Service
U.S. Department of Agriculture
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June 3, 2024

Re: Evaluating the Interview Requirement for SNAP Certification Study. (OMB Number: 0584-NEW)

Dear Ms. Wyant,

The National Student Legal Defense Network (“Student Defense”)¹ writes in response to the request for comments on the information collection for the contract of the study titled “Evaluating the Interview Requirement for SNAP Certification,” published in the *Federal Register* on April 4, 2024.

Reviewing the *Federal Register* notice, we were pleased to see that FNS is studying the effects of waiving the SNAP interview requirement, as the current requirement substantially impedes otherwise eligible individuals’ ability to access the benefits to which they are legally entitled. In the most comprehensive study of SNAP applications, 31% of all applications were denied *because of* a missed interview, while only 6% were denied because of substantive ineligibility.² This disparity suggests that the interview requirement is more likely to result in the denial of benefits based on a procedural technicality than it is to identify applicants who are substantively ineligible for benefits.

The interview requirement is a particular barrier for college students with low incomes, a group that already struggles with high levels of food insecurity and difficulty accessing SNAP benefits. As Congress recently affirmed, one of the stated purposes of SNAP is to “assist low-income adults in obtaining employment and increasing their earnings,” the same goal which inspires many college students and underlies the federal investment in higher education.³ In the aforementioned study, 40% of students were denied because of a missed interview, an even greater rate than the 31% rate for the general population.⁴

¹ Student Defense is a non-partisan organization, recognized as non-profit under section 501(c)(3) of the Internal Revenue Code, that works, through litigation and advocacy, to advance students’ rights to educational opportunity and to ensure that higher education provides a launching point for economic mobility.

² Caitlin Docker & Gwen Rino, *Think Big, Start Small: How Implementing Flexible Interviews Improves Benefit Delivery*, CODE FOR AMERICA (Dec. 22, 2021), <https://codeforamerica.org/news/think-big-start-small-how-implementing-flexible-interviews-improves-benefit-delivery/>.

³ 7 U.S.C. § 2011.

⁴ Docker & Rino, *supra* note 2.

In creating a new study—and assessing its results—FNS must remember that Congress never intended for eligibility determinations to be contingent on interview participation.⁵ If Congress had such an intent, the interview requirement would have appeared in the statute. It does not. Nevertheless, despite the lack of statutory mandate, USDA has long included such a requirement in its regulations, albeit with little explanation of the interview’s value.⁶

For this reason, in December 2023, Student Defense (alongside the Hope Center at Temple University, the Center for Law and Social Policy, the Institute for College Access & Success, the California Student Aid Commission, California Competes: Higher Education for a Strong Economy, and Higher Learning Advocates), submitted a Petition pursuant to 5 U.S.C. § 553(e) and 7 C.F.R. § 1.28 to request that the Department of Agriculture promptly amend its regulations to remove the requirement for an interview in the certification of eligibility for applicants to SNAP.

It is time for the USDA to reconsider the wisdom of a nearly fifty-year-old requirement. As it relates to the study, Student Defense offers the following recommendations:

1. Food insecurity rates among college students are higher than the rates among the larger population.⁷ Students face additional burdens to accessing SNAP benefits, and the rates of SNAP take-up are correspondingly lower than for non-student households.⁸ For this reason, the study must consider a variety of applicants and participants, including students enrolled in higher education.
2. During and after the COVID-19 pandemic, USDA offered waivers to states to allow them to opt out of requiring interviews.⁹ The study should interview state SNAP administrators and staff to determine what lessons can be learned from the natural experiment of the pandemic.
3. SNAP regulations require interviews at least once a year for applicants seeking recertification.¹⁰ These recertification interviews are less valuable as applicants already have information about the program and caseworkers are already familiar with the applicants’ circumstances. Denial at recertification because of a missed interview not only increases the burdens on applicants, but also increases administrative costs for state agencies, which must process new benefit applications for former SNAP recipients. The study should consider the particular costs and benefits of recertification interviews.

⁵ See 7 U.S.C. §§ 2011–2036.

⁶ 43 Fed. Reg. 18823, 18880 (May 2, 1978).

⁷ Bryce McKibben et al., *New Federal Data Confirm that College Students Face Significant—and Unacceptable—Basic Needs Insecurity*, THE HOPE CTR. (Aug. 3, 2023), <https://hope.temple.edu/npsas>; *Food Security in the U.S.: Key Statistics & Graphics*, U.S. DEP’T OF AGRIC. ECON. RSCH. SERV. (Oct. 25, 2023), <https://www.ers.usda.gov/topics/food-nutrition-assistance/food-security-in-the-u-s/key-statistics-graphics/>.

⁸ CAL. STUDENT AID COMM’N, ACCESS TO PROPER NUTRITION EQUALS COLLEGE SUCCESS: MAKING CALFRESH WORK FOR STUDENTS 23 (Feb. 2022), https://www.csac.ca.gov/sites/main/files/file-attachments/calfresh_workgroup_report.pdf?1646697827.

⁹ See U.S. Dep’t of Agric., Letter on Adjusting Interview Requirements Due to Novel Coronavirus (Mar. 26, 2020), <https://fns-prod.azureedge.us/sites/default/files/resource-files/SNAP-COVID19-AdjustInterviewRequirements.pdf>.

¹⁰ 7 C.F.R. § 273.14(b)(3).

4. Eliminating the interview requirement does not mean that states must eliminate interviews. No applicant should be denied for a missed interview, but SNAP applicants should still be able to communicate with state agency staff for assistance with their applications as needed. The study should consult with state agency staff members, SNAP participants, and SNAP applicants about how to create an interview structure that would better meet the needs of SNAP participants.

* * *

We thank USDA and the Food and Nutrition Service for their attention to this important issue and look forward to reviewing the results of this study. For more information on this comment, please contact Student Defense Legal Fellow Tyler Ritchie at tyler@defendstudents.org.

Sincerely,

The National Student Legal Defense Network